THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2006

CORAM

THE HONOURABLE MR. JUSTICE P.SATHASIVAM

C.R.P.(PD)No.329 of 2006
& CMP No.3055 of 2006

M.Ganesan .. Petitioner

Vs.

G.Amirtha @ Porkkodi .. Respondent

Civil Revision Petition under Article 227 of the Constitution of India against the fair and final order passed in I.A.No.539 of 2005 in H.M.O.P.No.510 of 2004 dated 5.9.2005 on the file of Family Court of Coimbatore.

For petitioner : Ms.Karolin Geetha

For respondent : Mr.Bobblie Mouli

ORDER

Heard learned counsel for the petitioner as well as the respondent.

2. Aggrieved by the order of the Family court, Coimbatore dated 5.9.2005 made in I.A.No.539 of 2005 in H.M.O.P.No.510 of 2004, the petitioner/husband has filed this Revision under Article 227 of the Constitution of India.

3. The Family Court, taking note of the age of the child, namely 4 ½ years and of the fact that the child is with the mother and also attends school, in the absence of acceptable reason in the petition filed by the husband for custody, dismissed the same. On going through the materials placed before the Court below, I am in agreement with the said conclusion. There is no ground to interfere with the said order. Accordingly, the revision fails and the same is dismissed.

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4. Taking note of the fact that the main HMOP is of the year 2004, the Family Court, Coimbatore is directed to dispose of the same in accordance with law, after affording opportunity to both the parties, within a period of six months from the date of receipt of a copy of this order. The connected C.M.P.No.3055 of 2006 is also dismissed.

ajr

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Judge, The Family Court, Coimbatore.

2. The Record Keeper, VR Section, High Court, Madras.

+ 1 cc to Ms. S. Karilin Geetha, Advocate SR No.27477

+ 1 cc to M/s. A. Babblie, Advocate SR No.27649

CRP PD No.329 of 2006

TEJ(CO)
SR/5.7.2006

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